

DATE: September 30, 2011

MEMO CODE: SP 50-2011, CACFP 27-2011, SFSP 20-2011

SUBJECT: Free and Reduced Price Meal Applications –
Requests for Additional Information

TO: Child Nutrition Programs

This memorandum responds to questions received from Regional Offices, State agencies and Local Educational Agencies (LEAs) regarding applications for free and reduced price school meals that request the applicant to provide information that is not required for a student's certification of eligibility for child nutrition programs (CNPs). Although discussed from a school perspective, this policy also applies to Child and Adult Care Food Program and the Summer Food Service Program when eligibility for individual children must be established.

The purpose of the application for free and reduced price school meals is to determine if a student's household is eligible for school meal benefits based on income or categorical eligibility. In some instances, LEAs may request additional information on applications, if it could provide a benefit to the applicant, applicants are notified that the information will be shared for the purposes of providing that benefit, and it does not create a real or perceived barrier to participation in CNPs.

Allowing LEAs to obtain data for other purposes on the application for free and reduced price school meals is intended to provide a mechanism for LEAs to share information with households on the availability of other non-meal benefits and may reduce paperwork burden on households. An example of non-meal benefits includes items such as free school books or computers for students that are eligible for free or reduced price meals. If notice is provided to households with or on the application and written permission obtained, if necessary, programs are permitted access to the otherwise confidential information for purposes which benefit the applicant household or student and do not create a barrier to CNP participation.

The CNP statutory and regulatory authorities codified in Section 9(b) (6) of the Richard B. Russell National School Lunch Act, 42 USC 1758(b) (6), and 7 CFR 245.6(a) (1) are reflected in the Eligibility Manual for School Meals. As stated in this manual, "If schools or LEAs collect such information solely for non-NSLP, -SBP, or -SMP [Special Milk Program] purposes, the applications may not be labeled as applications for benefits under the school meals/milk programs or give any indication that such benefits are contingent upon a household returning the application."

For example, LEAs may request applicants provide a student's birth date on the application for free and reduced price school meals. Because this additional data does not create a barrier to CNP participation, and creates a possible benefit to the student by improving the chances a positive match can be made if chosen for verification with Supplemental Nutrition Assistance Program (SNAP), Temporary Assistance for Needy Families (TANF) or Food Distribution

Program on Indian Reservations (FDPIR) thereby minimizing the burden of completing an additional form(s), an LEA may request this additional information on the application.

Since additional information as described above is not required by CNPs for a student's certification of eligibility for free and reduce price school meals, an application, whether paper or electronic, must be considered complete even if the additional information is not provided. Some electronic versions of free and reduced price applications request a student's birth date as a required field and failure to provide that additional information results in the application's categorization as "incomplete" or blocks the completion of the application process. Those barriers to participation must be removed. Any electronic version of a free and reduced price application requiring additional data must be updated so that the software no longer requires the additional data.

An LEA may not request applicants provide information regarding citizenship. Citizenship information is not required for certification of eligibility to participate in the CNPs. Requesting such information does not provide a benefit to the applicant or household and creates a perceived barrier to participation.

We encourage schools to comply with this requirement as soon as possible. If LEAs have a system which requires this additional information they must have a method to ensure that applications which are categorized as "incomplete" or otherwise blocked for this reason may still be certified as eligible if all the required information has been provided.

Attachment

Q&As: Applications Requesting Non-Required Information

1. Can an SFA add questions to the application for free and reduced price school meals that request data (e.g. birth date) not required by USDA? Yes. An SFA may request additional information to a free and reduced price school meals application. However because such information is not required for certification of eligibility for free and reduced price school meals applicants cannot be *required* to enter it on the application. It should be clear to the applicant that the information is not required and the collection of additional information must provide some benefit to the applicant, households must be notified that the information will be shared in order to provide the benefit and collecting the information must not be a barrier to applying for the meal benefits. In addition, an applicant must be able to submit the application for determination of eligibility for free or reduced price meal benefits without providing the additional non-required data.

2. How should an SFA differentiate between required and non-required information to be included on its electronic free and reduced price application, when procuring a larger contract for software and services? The SFA should structure the solicitation in a manner that clearly identifies specifications that are required for a contractor to be considered responsive. An SFA should identify the required information and thus required components of the free and reduced price meal application in its solicitation of an electronic system. The more defined this is in the solicitation the more likely the solicitation will result in an accurate system, as well as resulting in an opportunity to negotiate a system more likely to fit within the respondents proposed cost structure. An SFA must also be mindful that its staff must have the sufficient skill and expertise to evaluate proposals and conduct negotiations in an RFP.

The solicitation should clarify which components of a free and reduced price meal application will be required and which will be additional information fields. Because the free and reduced price application cannot mandate provision of the additional information as requirement for submission of the application, the solicitation must be clear so the bidders may be responsive.

3. Can an SFA require the applicant to fill out the non-required information? No, an application, whether paper or electronic, must be considered complete for the purposes of determining meal eligibility even if additional, non-required information is not provided.

4. What should the SFA do if their current system requires the applicant to enter non-required data in order for the application to be submitted, however, is not able to update the application in time for applications this year? Any electronic version of a free and reduced price application requiring additional data must be updated so that the software no longer requires the additional data. However, if a SFA is not able to update the application in time for the SY 2011-12, all SFAs should ensure that applications which are categorized as “incomplete” or otherwise blocked for this reason may still be certified as eligible if all the required information has been provided. Please note if the correction is a material change to an

existing software contract (changes that alters the terms and conditions of the contract substantially), the SFA may be required to undertake a new procurement for software.